

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL NO. 3:98CV394

ROGER FRANKLIN THOMAS, )  
and wife, ELLA SHINN THOMAS,) )  
Plaintiffs, ) )  
Vs. ) ) **ORDER OF DISMISSAL**  
AC&S, INC., *et al.*, ) (Defendant Crown, Cork  
Defendants. ) & Seal Company, Inc. ONLY)  
\_\_\_\_\_  
)

**THIS MATTER** is before the Court on motion of Plaintiffs Roger Franklin and Ella Shinn Thomas to dismiss their claims against the Defendant Crown, Cork & Seal Co., Inc., without prejudice.

**IT IS, THEREFORE, ORDERED** that the Plaintiffs' motion is **ALLOWED**, and the claims of Plaintiffs Roger Franklin and Ella Shinn Thomas against the Defendant Crown, Cork & Seal Co., Inc., are hereby **DISMISSED WITHOUT PREJUDICE** in their entirety.

**IT IS FURTHER ORDERED** that the motion of Defendant Crown, Cork & Seal for summary judgment pertaining to these Plaintiffs is hereby **DENIED** as moot.

Signed: October 2, 2006



Lacy H. Thornburg  
United States District Judge

